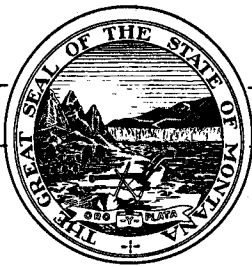


# OFFICE OF THE STATE PUBLIC DEFENDER



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## STATE OF MONTANA

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EXHIBIT 25  
DATE 1/24/2011

January 17, 2011

Senator James Shockley  
Representative Ken Peterson  
Representative Steve Gibson  
Montana State Capitol  
Helena, MT 59620

Dear Senator Shockley, Representative Peterson and Representative Gibson:

Recently, I spoke with Senator Shockley and Representative Peterson about providing copies to the Senate and House Judiciary committee members of the Office of the State Public Defender FY 2010 Report to the Governor, Supreme Court, and Legislature. Representative Peterson suggested that I provide a summary and I have attached it to this letter. There are a limited number of hard copies of the report already available from Legislative Services and the report is posted to our web site at [www.publicdefender.mt.gov](http://www.publicdefender.mt.gov).

If your membership would like a copy of the report please contact me at the number below. Also, please don't hesitate to call me if you need additional information. My telephone number is 406-496-6084 and my email address is [hfreebourn@mt.gov](mailto:hfreebourn@mt.gov).

Sincerely,

A handwritten signature in cursive script, appearing to read "Harry J. Freebourn".  
Harry J. Freebourn  
Administrative Director

**Summary**  
**of the Office of the State Public Defender**  
**FY 2010 Report to the Governor, Supreme Court, and Legislature**

1. Agency mission statement: *the primary mission of the statewide public defender system is to provide effective assistance of counsel to indigent persons accused of crime and other persons in civil cases who are entitled by law to the assistance of counsel at public expense.*
2. A report that provides the background on the "Assessment and Payment of Costs for Assigned Public Defenders." A financial report on the assessments and collections of fees to agency clients for the period of FY 2007 through FY 2010. The financial report shows that court assessed fees to the agency's clients have increased from \$34,515 during FY 2007 to \$263,377 during FY 2010, an increase of \$228,862. Collections of fees have also increased from \$8,018 during FY 2007 to \$60,674 during FY 2010, an increase of \$52,656. The number of agency clients that have had fees assessed increased from 67 during FY 2007 to 679 during FY 2010, an increase of 612.
3. The results of a study of the cost per hour for a staff attorney and a contract attorney. This study found that in the current system the cost of an FTE attorney with overheads is \$68 per hour and the cost of a contract attorney with overheads is \$95 per hour. This study also found that that average base cost of an FTE attorney is about \$35.00 per hour and the base cost of a contact attorney is \$60.00 per hour.
4. The agency's policies and procedures. This section contains 44 agency policies and procedures that cover public and appellate defender operations, general operations, and human resource items.
5. Standards for Counsel Representing Individuals Pursuant to the Montana Public Defender Act. This section contains the standards of practice as developed by the Montana Public Defender Commission with the assistance of agency personnel. These are the standards that each attorney must adhere to when providing legal services to the agency's clients.
6. The agency's staffing report including the availability of contract attorneys as of 6/30/2010. This report shows FTE and contractor staffing by type and by program, function, and region. As of the date of the report the agency reported 199.50 FTE positions filled and 1.00 FTE position vacant. The report shows that the agency had access to 173 contact attorneys available to work cases at various locations within the system.
7. New cases received by the agency during FY 2010 for the Public Defender Program. This report shows that the agency received 27,660 new cases during FY 2010. The report breaks the cases into case types by region by court. The six case types are: criminal, guardianship, involuntary commitments, juvenile, dependent and neglect, and all cases in the courts of limited jurisdiction.
8. A report that provides the caseload management tool rules and associated weighted caseloads of each staff attorney. The caseload management tool was developed by a joint labor – management committee comprised of attorneys with years of legal experience in the areas of

law related to the agency's mission. It is used to assign weights to staff attorneys' cases and activities, allowing managers to assess each attorney's relative workload. The goal of this tool is to allow an attorney to have an adequate amount of time to work on assigned cases to assure effective assistance of counsel. Attached to the rules is a standard worksheet that is provided to each attorney on a monthly basis that reflects the weightings of the work assigned.

9. A report that provides a list of the agency's training programs conducted during FY 2010 and the number of individuals trained at each event. The report lists 25 training events and shows that 927 individuals attended various training programs during the fiscal year.
10. Expenditure data by region by court by case type. This report allocates the Public Defender Program's expenditures for FY 2010 to each region, court, and case type. The total audited expenditures for the fiscal year were \$19,416,374 (as audited by the Legislative Audit Division).